

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 5719 OF 2004

Mr. S.R. Arun ...Applicant

Versus

The State of Maharashtra & Anr ...Respondents

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Mr. S.L. Maneshinde, Advocate for Applicant

Mr. A.P. Mundargi i/b Mihir Gheewala for Respondent No.2.

Ms. S.V. Gajare, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 13TH JUNE, 2005

P. C. :-

1. Heard both sides.

2. The applicant has prayed for quashing of proces issued in Criminal Case No. 136/SW/2004 pending in the Court of learned Metropolitan Magistrate, 33rd Court, Bellard Pier, Mumbai. In the said case, process has been issued against the applicant under Section 403 and 406 of I.P.C.

3. For the reasons recorded in my order dated 8th June, 2005 passed in Criminal Application No.645 of 2005 and order dated 13th June, 2005 passed in

criminal writ petition No. 213 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. In order to enable the applicant who is residing outside of Maharashtra to prefer necessary revision, an interim stay granted by this Court be continued for a period of eight weeks from today. The learned advocate for the applicant states that they will give advance notice of four days to the respondent in respect of their filing revision.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing the necessary parties.

6. Criminal application is disposed of.
